

# The search committee



Development materials for governors of further education colleges

## Acknowledgements

The *Governor Training Materials* were commissioned by the Learning and Skills Council under the Standards Fund. They were produced by a partnership of national organisations involved in further education:

**ACRA** The Association of College Registrars and Administrators is a national organisation which is part of the Association of Colleges and which provides professional support to business managers and clerks. The services for clerks include seminars, conferences and network meetings to share good practice and become familiar with new initiatives.

**fforwm** The Association of Welsh Colleges is a national organisation representing all further education colleges in Wales and providing a range of services to its members

**KPMG** is the leading firm of auditors and advisers to the education sector in the UK. The national advisory practice for governance is based in the Birmingham office.

**LSDA** The Learning and Skills Development Agency is one of the leading research and development organisations operating in the field of post-16 education. Its mission is to be a strategic national resource for the development of policy and practice in post-16 education and training.

We would like to thank critical readers from the Learning and Skills Council for their helpful comments on the draft materials.

Project Management: Nick Barclay,  
Learning and Skills Development Agency

Open Learning Management: Penny Mares Associates  
info@pennymares.co.uk

Editorial Team: Penny Mares, Barbara MacDonald,  
Philip Coyne, Sheila White, Felicity Kendall

Pack and page design and typesetting: Leech Design  
info@leechdesign.co.uk

Photographs: Martin Jenkinson  
mail@pressphotos.co.uk

Printed in England

Second edition published by the  
Learning and Skills Development  
Agency  
www.LSDA.org.uk

(First edition published by the  
Further Education Funding Council  
in 2000)

Feedback should be sent using the  
evaluation form in the front of  
*Using the materials* to:

Governor Training Materials  
Co-ordinator,  
Learning and Skills Development  
Agency  
Regent Arcade House,  
19-25 Argyll Street,  
London W1F 7LS

Tel: 0207 297 9000  
Fax: 0207 297 9001

© Learning and Skills Council 2002

LSDA order code:  
1275/06/02/10000

ISBN 1 85338 725 8 (pack)

Extracts from this publication may be reproduced for non-commercial education or training purposes on condition that the source is acknowledged and the findings are not misrepresented. Otherwise, no part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of the copyright owner.

# Module 9 The search committee

*For suggestions on how to get the most out of these self-study materials, see the booklet on Using the materials.*

## Introduction

This module looks at the role of the search committee. It is aimed both at governors who are members of the search committee and at new or experienced governors wishing to deepen their understanding of the work of this committee.

All post-16 education and training governing bodies ('corporations') are required by the statutory instrument and articles of government to establish a search committee to help the process of appointing community, local authority, business or co-opted members to the governing body.

## Summary of changes to the 2002 edition

Following the implementation of the Learning and Skills Act 2000 on 1 April 2001, revised articles of government have redefined the role of the search committee. Governing bodies must establish a search committee whose role is to advise on both the appointment of community, local authority and business members and the co-opting of members to the governing body. These are the statutory requirements but the terms of reference set out for the search committee of individual governing bodies may be broader in scope.

There is no statutory requirement for the search committee to advise on the appointment of parent, student or staff governors. Nomination of community and local authority governors can only be declined if the person concerned does not have skills or experience previously specified as a requirement to the nominating body. The governing body, acting through the search committee, has full discretion in appointing business and co-opted governors.

An important function of the search committee is to monitor the skills base of the governing body to ensure that the governing body is balanced in terms of expertise, as well as reflecting the gender, ethnic, age and disability balance of the community served by the college. All governing bodies should now be compliant with the broader membership introduced in August 1999 which aimed to make governing bodies both reflect their local community and become more responsive to its needs. There is scope for individual governing bodies to make a new determination of membership provided they remain within the overall statutory framework.

These changes are reflected in the content of this revised edition.

## Aims

By the end of this module you should be able to:

- review the terms of reference of the search committee and, where appropriate, suggest improvements for the governing body to consider
- outline the categories of members set out in the instrument of government and what discretion the governing body has to determine the composition of its membership
- explain the recommendations of the Committee on Standards in Public Life on reappointing existing members and the implications for your governing body
- describe useful approaches to seeking new members
- identify good practice in interviewing potential members, including key questions to ask and questions to avoid, in order to make recommendations to the governing body.

## Contents

Mark the sections you want to study and tick them off as you complete them.

*To do*   *Done*

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Section 1 The terms of reference of the search committee |
| <input type="checkbox"/> | <input type="checkbox"/> | Section 2 Membership of the governing body               |
| <input type="checkbox"/> | <input type="checkbox"/> | Section 3 Seeking new members                            |
| <input type="checkbox"/> | <input type="checkbox"/> | Section 4 Encouraging potential new members              |
| <input type="checkbox"/> | <input type="checkbox"/> | Section 5 Interviewing potential members                 |

## Working on the self-study activities

These materials have been designed for flexible use. You can work through them with other governors in training and development sessions. You can also work through sections and activities in your own time and at your own pace if you find it difficult to attend organised training sessions. Governors who have used these materials point out how valuable it is to work on at least some of the suggested activities together with another governor or group of governors, as there is such potential to learn from each other's experience. For suggestions on how to organise this kind of support for yourself, see the booklet on *Using the materials*.

## What you will need

To complete activities in this module you will need to get hold of the following information or documents from the clerk:

- your governing body's terms of reference for the search committee (these may be set out in the governing body handbook if your college has one)

- a breakdown of the categories and numbers of members in each category of your governing body
- a copy of a recent role description and/or person specification for members of your governing body.

Where you need to make notes in response to activity questions, we suggest you do this in a notebook or on separate sheets of loose-leaf paper, and store the information you compile along with the module for future reference.

## Section 1 The terms of reference of the search committee

Who sets up the search committee and what is its core purpose? Clause 5 of the articles of government states:

(3) The corporation shall establish a committee, to be known as the search committee, to advise on the appointment of the business, community and local authority members, to advise on the co-option of the co-opted members of the corporation, and to advise on such other matters relating to membership and appointments as the corporation may remit them.

(4) The corporation shall not appoint any person as a business, community or local authority member, or co-opt any person as a member of the corporation, unless it has first considered the advice of the search committee in relation thereto. The corporation may make rules specifying the procedures for the conduct of the search committee and a copy of any such rules, together with the remit of the search committee and its advice to the corporation, shall be available for inspection by any member of the public during normal office hours

From this starting point the terms of reference of the search committee are determined by the governing body and their scope varies from college to college. The terms of reference of the search committee need not be a long document. The meaning can be captured in one sentence:

The committee shall be responsible for advising the corporation on the appointment and reappointment of members of the corporation other than the principal/chief executive (who shall be eligible to serve on the corporation as a result of the post) having regard at all times to the provisions of the instrument and articles of government, the policy of the corporation, and evaluation of the contribution of members seeking reappointment.

Under the revised articles of government, the governing body is not required to seek the advice of the search committee when appointing parent, student or staff members, who will generally be elected by their constituent groups.

To fulfil the terms of reference the governing body should undertake a skills audit of governors to identify the areas of expertise and interest of existing members with a view to filling any skills gaps when appointing new members. A search committee cannot properly function without this information.

The terms of reference of some search committees are far broader than the example given above. In some colleges, the search committee is effectively a governance committee with responsibility for such issues as:

- governance self-assessment and the monitoring of the associated action plan
- governor training and, possibly, co-ordinating the development of governors' individual training plans.

The advantage of having broader terms of reference is that they bring together in one committee a number of related activities. The disadvantages are, firstly, that the activities may deflect attention from the committee's core purpose of providing advice to the governing body on the appointment of new members and, secondly, that some delegated issues may properly be the responsibility of the governing body as a whole.

### Activity Reviewing your search committee's terms of reference

Carefully read the terms of reference of your own search committee.

Are they confined to the core purpose of providing advice on appointing new members or are they broader?

Do they include other activities that we have not mentioned?

Has the discussion so far raised any queries in your mind about your committee's terms of reference (for example, do you think they are too narrow, or too broad)?

Note down any queries or issues on a separate sheet and keep them in mind as you work through the module.

### Viewpoint

The purpose of this activity and others throughout the module is to help you identify issues that your search committee may need to address, and practical steps you could take to develop the committee's effectiveness.

## Section 2 Membership of the governing body

There are variations in categories of members for different types of college. These are summarised below. The aim of these membership categories is to ensure that the governing body includes people from a range of backgrounds reflecting the community that the college serves. For example, there should be an appropriate balance of members in terms of knowledge, skills and experience, and in terms of gender, ethnic origin, age, etc. For more information see *Module 1 Introduction*, Section 4 'The composition of the governing body and its committees'.

**Figure 1 Membership of the governing body**

Category	General post-16 colleges		Sixth-form colleges	
	Minimum	Maximum	Minimum	Maximum
Business	4	7	4	7
Co-opted	0	3	0	3
Staff	1	3	1	3
Students	1	3	1	3
Parents	0	2	1	2
Local Authority	1	3	1	3
Community	1	3	1	3
Principal	1*	1*	1*	1*

\*The principal (chief executive) is normally a member of the governing body but can choose not to be.

Note that the Learning and Skills Council (LSC) has the power to nominate additional governors. This power might be used where there are serious concerns about the governance of a college.

### **Key facts to remember about the membership of your governing body**

The governing body is the appointing body (but if a governing body cannot replace members because the number of members falls below the number needed for a quorum, the Secretary of State becomes the appointing authority until a quorum is established).

The maximum size of a governing body is 20 members and the minimum is 12 members (any LSC members can be appointed over and above the maximum 20 members).

The number of business members is calculated on the basis of one-third of the determined membership, rounded up if appropriate – for example, if there are 12 members, four must be business members and if there are 13 members, five must be business members.

From 1 August 1999, the composition of governing bodies was widened so that governing bodies are better able to reflect and respond to the communities they serve. All governing bodies were required to comply with the changes by April 2002. Your clerk will be able to advise on the specific requirements of the 1999 changes. An individual governing body can make a new determination of membership if it thinks it is appropriate provided the membership remains within the broad framework set out in the 1999 instrument.

### Activity Review the current membership of your governing body

In the table below, make a note of the current membership determined by your governing body and when vacancies are expected.

<i>Category</i>	<i>Number of members</i>	<i>Dates of expected vacancies</i>
Business		
Co-opted		
Staff		
Students		
Parents		
Local Authority		
Community		
Principal		

The composition of your governing body should be in line with the membership profile set out in Figure 1.

In your view, would it be appropriate for your governing body to make a new determination of membership (e.g. alter the total number of members or perhaps increase community membership but reduce business membership)?

What other issues might your governing body address with a view to achieving a membership fully representative of the community served by the college?

### Viewpoint

There are pros and cons attached to making a new determination. An increase in the total number of members might disproportionately increase the number of business members given that they must constitute one-third of the total membership rounded up. On the other hand, a new determination could give the governing body scope to increase the number of members drawn from a category that is currently under-represented.

Equal opportunities issues are of increasing importance for governing bodies. Many local LSC committees are appointing diversity/equality managers; some have even published an equal opportunities strategic plan. When there is a vacancy on your governing body it is important to address issues of gender, race, age and disability within the categories set out in the instrument of government and appoint new governors in such a way as to redress any imbalance.

## Section 3 Seeking new members

You may need to seek new members for various reasons – for example, when a new determination increases the number of members needed in a particular category, or when a member steps down at the end of a period of office. This section discusses tools to help this process:

- role description
- person specification
- skills audit of existing members.

There are similarities between appointing members of staff and seeking members of the governing body. For a position in college you would agree a job description and person specification at the beginning of the recruitment process. A similar approach should be used for appointing members of the governing body.

### Role description

'Job description' is not really appropriate for governors. We suggest the term 'role description' as an alternative. Members of governing bodies have collective responsibility for their actions and therefore it is possible to identify a common role. This applies to all members of the governing body regardless of their category or how they are appointed. (For more information on the collective role and responsibilities of governors see *Module 1 Introduction*, Section 2 'The role and responsibilities of governors'.)

Role descriptions vary, and yours should meet the particular needs of **your** governing body. However, a good role description should include certain core elements. An example is given below.

#### *Sample role description – core elements*

To comply with the provisions of the following documents as they apply to the role of members of the governing body:

- instrument and articles of government
- financial memorandum
- governing body code of conduct
- Nolan seven principles of public life
- college financial regulations and financial procedures.

To act in the best interests of the governing body.

To support decisions of the governing body and the committees of the governing body once they have been reached on the basis of collective responsibility even though you may have spoken against a proposal during the debate at a meeting.

To give due priority to attending meetings of the governing body and the appropriate committees of the governing body.

To attend college events (such as student awards presentations and open evenings/days) so as to gain an appreciation of the work of the college and to meet students and staff.

To participate in training events in order to enhance contribution to the governing body.

To understand that individual members of the governing body have no specific powers. This means, for example, that statements may only be made on behalf of the governing body by those authorised to do so.

Some governing bodies set a performance indicator for attendance which is monitored on behalf of the governing body by the clerk (e.g. 'All members should attend at least 75% of meetings in one year.'). A 70% indicator is widely regarded as 'average', over 80% as 'good' However, governors need to balance the value of an individual's contribution against their attendance record.

Other requirements might include a willingness to:

- undertake a fair share of the work of the governing body
- undertake activities and make connections that contribute to the strategic direction of the college
- liaise on behalf of the governing body with appropriate external organisations
- attend every meeting of the full governing body and be a member of at least one committee.

### Activity Reviewing your governing body's role description

If you have a role description for members of your governing body, compare it with the example above. On your own document:

- tick the statements that are similar to those in the example
- underline any major differences
- put a question mark beside any statements that are unclear.

If your governing body or search committee doesn't have a role description, decide which elements of the example you might want to adopt or adapt, and what other elements you would like to add in order to develop one.

### Viewpoint

This activity may have helped you identify ways in which your governing body's role description could be clarified or improved. If so, decide how you will follow this up. (An alternative approach, which some governing bodies have adopted, is to include relevant issues in the code of conduct which is then signed by individual members.)

If no role description exists, consider whether you wish to propose one. Note this as a query to raise with the clerk. Your governing body might also consider adding sections on the specific roles of the chair and vice-chair.

## Person specification

The person specification complements the role description by identifying the sort of person that will be able to carry out the responsibilities of a member of **your** governing body. It is likely to include several general characteristics which apply to all members and one or two specific characteristics which apply to the particular vacancy that the search committee is dealing with. Look at the example below.

### *Sample person specification*

#### **General characteristics**

To be committed to lifelong learning and the role of ..... College in improving the nation's skills base. (This statement is based on the college's mission statement\*.)

A willingness and ability to promote the equal opportunities policy adopted by the governing body.

To be able to attend meetings of the governing body and appropriate committees given that these usually start at 6.30 p.m.

#### **Specific characteristics**

These will vary according to the governing body's needs, for example:

- to be an accountant and willing to serve on the governing body's audit committee
- to have detailed knowledge of the African-Caribbean community served by the college
- to have legal training.

\* For more information about the mission statement see *Module 2 Strategy and educational character*, Section 1 'Introduction to strategy and educational character'.

### **Activity** What should the person specification include?

What characteristics need to be included in the person specification for a member of **your** governing body? If you have a recent person specification, compare it with our example, or use the example to help you write your own notes on a separate sheet.

### **Viewpoint**

In the example the first statement is adapted from the college's mission statement. Your search committee could incorporate your college's mission statement within any role description or person specification it produces.

If you ask for a commitment to attend meetings, when was the last time that your governing body reviewed the start times of meetings? It could be that a different time may be more convenient for members. We return to this below.

The phrasing of statements like 'to have legal training' needs careful thought. If it has been agreed that the governing body would benefit from a member with a legal

background, the search committee needs to be clear whether this specifically means a solicitor or barrister, or whether people with other experience in dealing with legal matters – such as a company secretary – would also be suitable.

## Skills audit of members of the governing body

A regular skills audit of existing members can help the search committee to identify potential new members whose skills and experience complement those of the existing membership. Members are likely to gain new areas of interest or expertise (e.g. from changing job or becoming involved in a voluntary organisation) so the skills audit should be updated at least once a year.

An ideal time for carrying out the audit is during the annual self-assessment of governance. Once governors are satisfied with the approach to the skills audit the annual update need not take long to complete.

Your governing body may already have in place satisfactory arrangements for carrying out the annual skills audit of members. For those who have not yet adopted a structure or wish to review the existing arrangements, one possible approach is described here.

- Set out the skills audit on one side of A4 with categories of membership (or a list of names) on one axis and the skills, experience and interests on the other.
- Decide whether you simply need 'yes' or 'no' answers or some idea of members' level of knowledge. This can be shown by using terms such as 'expertise' and 'interest' or just simply adding a .

An example of this is set out opposite.

The example can be tailored to your college's specific needs. Governing bodies have developed their own skills matrix to fit with the circumstances of their college. Various examples are available from the Association of College Registrars and Administrators (ACRA) databank.

If the skills audit identifies deficiencies in particular areas, the governing body may need to consider whether it operates in ways which tend to discourage members with the qualities needed. For example, the times of meetings may make it difficult for certain kinds of people to attend.

### Activity Has the governing body carried out a skills audit?

If your governing body (or search committee) has carried out a recent skills audit, did it reveal any gaps in expertise?

How have the results of the audit been acted upon?

On a separate sheet, make a note of the areas of expertise and interest that you think should be taken into account next time there is a vacancy on the governing body.

The table below shows the numbers of governors with identified skills, experience, etc. against each category of membership at \_\_\_\_\_ (date).

Skills, experience, interest:	Category of membership (number of positions)							students members (2)
	principal (1)	business members (7)	co-opted members (3)	community members (2)	local authority members (2)	staff members (2)		
<b>Primary background/profession</b>								
Academic – Management		T						
Academic – Non Teaching							T	
Academic – Teaching		T					T	
Accountancy		T						
Audit		T						
General/Strategic Management	T	T						
Health/Pharmacy/Science			T					
Information and Communications Technology (ICT)								
Law								
Local Authority							T (2)	
Manufacturing		T						
Marketing								
Media/Arts			T					
Personnel / HR			T					
Property/Estates Development								
Schools Sector				T				
Small Business Sector		T						
Trade Union								
Voluntary Sector							T	
Other Public Sector								
<b>TOTAL</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>

	Category of membership (number of positions)						
	principal (1)	business members (7)	co-opted members (3)	community members (2)	local authority members (2)	staff members (2)	student members (2)
<i>Skills, experience, interest:</i>							
<b>Gender (number of governors)</b>							
Male	1	5	1	1	1	1	1
Female		2	2	1	1	1	1
<b>Ethnicity (number of governors)</b>							
White Male	1	5	1		1	1	
White Female		2	2		1	1	
Black Male				1			1
Black Female							
Asian Male							
Asian Female				1			1
<b>Other expertise/background (number of governors)</b>							
Local Councillor					2		
Trade Union Official		1			1	1	
Magistrate		1		1			
Community Association				2			
Community Languages				2			
Health and Safety			1				
Quality Assurance		1					
Intellectual Property		1					
School Governor	1	1		1			
HE / University		2					
Church/faith group				2		1	

## Viewpoint

Your response will depend on your college's approach to the skills audit, and your governing body's specific membership, so we will comment on this activity with a typical example.

An audit might identify several members with an 'interest' in financial management because of their role at work, but no members with 'expertise' in this area.

The governing body may decide it needs to supplement 'interest' with 'expertise' when it next appoints a new member – perhaps by including 'experienced accountant' in the person specification.

## Reappointing existing members

The search committee and governing body should bear in mind the recommendations of the Nolan committee when considering whether to reappoint an existing member.

## Nolan committee recommendations

The Committee on Standards in Public Life (originally the Nolan committee and subsequently the Neill committee) published a report in May 1996 that addressed a number of issues for further education including the appointment of governing body members. (For information about the Nolan seven principles of public life and their implications for governors, see *Module 1 Introduction*, Section 5 'Integrity in working practices'.)

The Nolan committee noted the arrangements already in place for the appointment and reappointment of members, including search committees. The search committee has since become a statutory requirement.

The Nolan committee further noted that in Scotland a limit of 12 years in office was laid down for members of governing bodies but that in England and Wales there was no such time limit. It therefore recommended that appointments to further education governing bodies in England and Wales for a third or subsequent term should become the exception rather than the rule – in other words, eight years or two terms should become the normal limit. The search committee and governing body should bear in mind this recommendation when considering whether to reappoint a member for a third or subsequent period of office. Governing bodies have the power to rule on the maximum number of years that a member can serve (articles of government clause 21); any such rule should be stated in the standing orders of the governing body.

All reappointments should be considered by the search committee, even if it is only a second term that is being sought. The same rigorous approach should be adopted to the reappointment of a member as to the original appointment. Given the search committee's knowledge of existing members, they can arguably be scrutinised more closely than a potential new member. Key issues to take into account may be:

- attendance records (of governing body and committees)
- commitment to the college over and above attendance at formal meetings (e.g. attendance at student awards events, open evenings/days, etc.)

- quality of contribution to discussions at meetings
- the value of the member's expertise/interests to the work of the governing body.

### Activity Will the search committee reappoint for a third term?

Is your search committee likely to consider the reappointment of a member for a third term of office? If so, are you satisfied that the committee can demonstrate sound reasons for doing this?

### Viewpoint

There are a number of good reasons for appointing a person to serve on the governing body for a third (or further) term of office. These include:

- the governor's commitment to the college and the work of the governing body
- the value of the expertise that they bring to the governing body
- participation in governor training and development events
- difficulty in finding other suitable people to serve.

The reasons for reappointment need to be carefully considered to ensure that the decision is justified. Are you sure that the governing body has not become a 'closed' or inward-looking organisation? To avoid such an allegation, the procedure for reappointments should be clearly set out in the standing orders of the governing body or search committee.

If this is an issue for your search committee, note down how you plan to follow it up.

## Section 4 Encouraging potential new members

You now have a role description, person specification and the outcome of the skills audit for members. What comes next? This depends on the category of membership. Apart from the principal (who is automatically a member of the governing body unless they choose not to be) the categories of governor can be divided into two groups:

- governors nominated by others (staff, student, parent, local authority and community governors)
- governors directly selected by the governing body (business and co-opted governors).

### Nominated governors

The instrument of government (clause 5) lays down the rules for the appointment of members to the governing body with specific emphasis on nominated governors (staff, student, parent, local authority and community categories). This is a complex area and the advice of the clerk should be sought before making any appointment to the governing body. The broad rules are set out below.

### Local authority and community members

The governing body may decline a nominated appointment of a local authority or community member if:

- the person nominated does not have the specified skills and experience (it would be difficult for a governing body to decline a nomination, however, if it had not provided the nominating body with the role description and person specification – see Section 3)
- the person has been removed from office as a member of a further education college within the last ten years
- the appointment would contravene any provision made in standing orders regarding the number of consecutive terms for which a member may hold office.

### Parent, staff, and student members

The governing body may decline a nominated appointment of a parent, staff or student member only if:

- the person has been removed from office as a member of a further education college within the last ten years
- the appointment would contravene any provision made in standing orders regarding the number of consecutive terms for which a member may hold office.

(Note that people are not eligible to serve on the governing body if they are bankrupt or have received a prison sentence of more than three months without the option of a fine.)

The key point is that the governing body has more flexibility to decline the nomination of a local authority or community member, but only if it can be clearly demonstrated that the person concerned does not have **specified** skills or experience. It is therefore essential to provide a potential nominating body with advice about the needs of the governing body – for example the expertise and interests sought, and the required balance of gender or ethnic origin in the membership. Consider who is in the best position to lead this discussion on behalf of the governing body or search committee. Arrangements vary but typically this task is delegated to the clerk or chair, once the search committee has agreed a person specification for the vacancy.

Remember that under the revised articles of government, the advice of the search committee is not a statutory requirement for the appointment of parent, student or staff governors.

### Business and co-opted governors

The governing body has full discretion in appointing governors in the business and co-opted categories, so the search committee has more scope for action here when seeking potential members.

- Contacts within the local community are important. Over the years many valued governors are likely to have been identified through the college's network of contacts. However this approach has drawbacks – for example, there may be a perception in the wider community that the only way to become a governor of the college is to 'know the right people'.
- Advertisements in the local press and targeted mail-shots are valuable not only in terms of the number of responses but also in making contact with a wider range of people who believe that they can make a contribution to their local college by becoming a governor, both immediately and in the future.
- The advertisement should be carefully worded to explain briefly the role of the governing body and to make it clear that members do not receive payment.
- In some colleges the clerk produces a brief information pack which is sent out with targeted mail-shots (for example, to all accountancy firms in the area if that is an identified need) or in response to enquiries from press advertisements.

#### **An information pack for potential new governors**

This might consist of three or four sides of A4 paper with brief information on:

- the role and responsibilities of the governing body (this could expand information included in the advertisement)
- the time commitment required of governors
- arrangements for induction and ongoing training
- insurance and personal liability position for members (responsibility for the solvency of the institution may put off some potential members)
- the composition of the governing body.

Include the name and contact details of the clerk and invite potential members to ask for further information or a discussion if they wish.

#### **Activity** How does your search committee encourage potential new members?

Think back to when you joined the governing body:

- how did you hear of the vacancy?
- what weaknesses did you experience in the appointment process?

Note down any action that your search committee takes to prepare the ground and reach out to potential new members when advertising, seeking nominations or inviting applications for a vacancy.

Add any new ideas that have occurred to you from reading this section.

#### **Viewpoint**

If you think there are steps your search committee could take to develop or broaden their preparations, note what ideas or action you would propose and raise these with the clerk or chair.

Once the search committee has received nominations or applications, it may decide to interview potential members before forwarding a recommendation to the governing body.

## Section 5 Interviewing potential members

This section outlines approaches to interviewing potential members of your governing body.

Bear in mind that equal opportunities and anti-discrimination law applies to the process of appointing a governor in the same way that it applies to the recruitment and selection of employees. If a person applied to be a governor but was not appointed they could seek redress in the courts if they thought that the decision was based on race, sex, age or disability discrimination.

### Good practice in interviewing arrangements

Staff, parent and student members are often nominated following election by their constituent groups within the college and may have to issue some sort of personal statement as part of the election process. It is helpful if all other potential governors complete a standard application form or submit a CV.

Decide whether **all** potential local authority, community, business or co-opted members are to be interviewed by the search committee. The alternative is to draw up and interview a shortlist. An interview or informal meeting has clear benefits:

- the person who is invited to serve on the governing body will know at least some of the people present at their first meeting
- there is an opportunity to check that the person really does understand the level of commitment and time needed to make a worthwhile contribution to the governing body
- the role of the governor can be fully explored, emphasising that members of the governing body cannot accept a mandate from other organisations.

Interviewing is probably essential when filling a vacancy for a business or co-opted (i.e. non-nominated) member. In many respects the search committee should prepare for this kind of interview in the same way as they would if they were appointing a senior member of staff. A role description, person specification and skills audit of the governing body (see Section 3) will be central to this process.

To get the most out of the interview, it is useful to give prospective members beforehand:

- a briefing paper on the role and responsibilities of the governing body
- a copy of the code of conduct
- the college prospectus
- a summary of the strategic plan, if available.

***How appropriate are these possible interview questions?***

- 1 Please tell us why you are interested in serving on the governing body.
- 2 You work for a local firm of accountants. Could you tell us about your role and if you are a qualified accountant?
- 3 Your CV states that you serve on the governing body of ..... high school. Could this lead to any conflict of interest if you were to join this governing body or would there be any benefits?
- 4 You mention that you have young children. Will you be able to arrange childcare to get to meetings?
- 5 We have introduced a link scheme so that each governor is attached to one of the college departments. Having looked at the college prospectus are you interested in being linked with a particular department?
- 6 The governing body has adopted a code of conduct which includes a commitment to enhancing equality of opportunity for students. What experience do you have of promoting equal opportunities?
- 7 The governing body and the committees meet in the evenings usually starting at 6.30 pm. Would this cause you any difficulties?
- 8 People are not eligible to serve on the governing body if they are bankrupt or have received a prison sentence of more than three months without the option of a fine. Can you confirm that you are eligible to serve on the governing body?
- 9 You say in your CV that you are the secretary of ..... voluntary organisation. Can you tell us about this group?
- 10 The college is committed to increasing the number of higher education courses. Are you a graduate?
- 11 Do you understand the information you have received and accept that members of the governing body are not representatives of any groups or bodies?
- 12 Will you want to claim travel costs for attending meetings?

**Activity** Asking appropriate questions

The checklist above sets out examples of questions that are sometimes asked during an interview for a new business or co-opted member. Working through the questions:

- 1 Tick those which you think are useful, or could usefully be adapted by your search committee
- 2 Put a cross beside questions which are not appropriate.

**Viewpoint**

Some of these questions could be useful or could be adapted, depending on the circumstances and the needs of the search committee.

Questions 4,10 and 12 could be problematic.

Question 4 about childcare arrangements is **not** appropriate if it is put to women but not to men. To ensure equal opportunities, all prospective members should be asked the same questions. This question could be seen as discriminatory – assuming that women with young children cannot do the work of a governor as well as men.

Questions 10 and 12 may be inappropriate if they are used to exclude otherwise suitable people. The apparent logic in question 10 is flawed. If the college planned to build a new canteen, would the governing body look for a new member who was a builder, or a cook?

The answer to question 12 should not influence the interviewers' decision. To be genuinely inclusive, the governing body should be prepared to pay travel expenses (and meet other costs such as childcare) to members who cannot afford to pay their own. To reject a potential member because they will cost the governing body more is excluding people on low incomes from participating. Staff and student members should be able to claim reimbursement of reasonable costs if they incur them as a result of governing body membership.

Avoid making assumptions about potential members – for example that a woman with young children cannot give enough time; that a blind person cannot contribute as much to the governing body as a sighted person (they may have more experience and a better grasp of anti-discrimination issues than existing members); that a person employed by a local firm of accountants is necessarily an accountant or has financial expertise (they may be the IT technician or office manager). If in doubt – check it out, but make sure that questions are framed in a way that avoids discrimination.

Asking someone to talk about their own past experience in a particular area (as in the sample question about promoting equal opportunities) is a useful way of checking whether their experience and understanding is superficial or more substantial. Some questions should be directed around the skills, expertise or other qualities that the interviewee could bring to the governing body. You could also try to find out if the person has any other skills not covered in their CV.

## Module review

This module has looked at the role of the search committee and the practical tasks it performs. If you have worked through the whole module you should be confident that you can:

- review the terms of reference of the search committee and, where appropriate, suggest improvements for the governing body to consider
- outline the categories of members set out in the instrument of government and what discretion the governing body has to determine the composition of its membership
- explain the recommendations of the Committee on Standards in Public Life on reappointing existing members and the implications for your governing body
- describe useful approaches to seeking new members
- identify good practice in interviewing potential members, including key questions to ask and questions to avoid, in order to make recommendations to the governing body.

If you are not sure that you have achieved a particular goal, look back at the contents list in the Introduction to the module. You may find it useful to reread the relevant section.

## Summary of key learning points

The search committee is a statutory committee. Its core function is to advise the governing body on appointing new members. Its advice must be sought when appointing community, local authority, business or co-opted members. Governing bodies can add other terms of reference, so that the scope of the search committee varies from college to college.

The categories of membership for different types of college are a legal requirement set out in the instrument and articles of government. Within these rules, the governing body can determine the total numbers of members and vary the numbers in each category in the way that best meets the college's needs.

Search committees can use role descriptions, person specifications and skills audits of existing members to help them identify the most appropriate person to fill a vacancy on the governing body.

Governing bodies have very limited powers to reject nominations from appropriate bodies but may do so if the nominee lacks relevant skills or experience which have been specified to the nominating body beforehand.

Careful preparation such as clear advice to potential nominating bodies, press advertisements, targeted mail-shots and an information pack can help to attract potential new members with the qualities needed.

Interviewing potential members of the governing body benefits both parties. Care must be taken to ensure equal opportunities in this process, and to frame appropriate interview questions.

## Where next?

You have now completed work on *Module 9 The search committee*. If there are areas in which you need more guidance or information, they may be covered in other modules. Turn to 'Check your current knowledge and skills' in *Using the materials*. This self-assessment questionnaire will help you to decide which modules or sections of modules may help to fill these gaps. Tick the useful sections for further study.

If you cannot find the information you need within these materials, turn to the 'Action planner' in *Using the Materials*. Note down what further information, support or guidance you would like. The 'Action planner' gives advice on who may be able to help, and how.

## Putting it into action

We hope that working through this module has raised useful questions, increased your awareness of issues and given you ideas for practical action that you would like to follow up. The 'Action planner' in *Using the Materials* contains a section where you can note down any questions or action points that you want to follow up within your own college.

## The search committee



commissioned by



ISBN 1 85338 725 8 (pack)

**2002 edition**

